

**BEFORE THE CALIFORNIA STATE BOARD OF OPTOMETRY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Citation )  
Against: )

No. CC 2013-90

Dr. Blair Ball, O.D. )  
1659 E. 6<sup>th</sup> St., Ste. A )  
Beaumont, CA 92223 )

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Complainant alleges:

**PARTIES**

Mona Maggio ("Complainant") brings this Citation solely in her official capacity as the Executive Officer of the California State Board of Optometry ("Board"), Department of Consumer Affairs.

On or about October 2, 1986, optometrist license number OPT 8422 was issued to Blair Ball, O.D. This active license will expire on May 31, 2016, unless renewed.

**STATUTORY PROVISIONS**

California Code of Regulations (CCR) §1576 authorizes the executive officer of the California State Board of Optometry (Board) to issue citations containing orders of abatement and/or administrative fines pursuant to Business and Professions Code §125.9 against an optometrist who has committed any acts or omissions which are in violation of the Optometry Practice Act or any regulation adopted pursuant thereto.

Business and Professions Code (BPC), §3110 provides that the Board may take action against any licensee who is charged with unprofessional conduct and may deny an application for a license if the applicant has committed unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or any of the rules and regulations adopted by the Board pursuant to this chapter.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions.

(x) Failure or refusal to comply with a request for the clinical records of a patient, that is accompanied by that patient's written authorization for release of records to the board, within 15 days of receiving the request and authorization, unless the licensee is unable to provide the documents within this time period for good cause.

CAUSE FOR CITATION

On or about October 22, 2013, the Board received a complaint from K.D.'s<sup>1</sup> father, which alleged you failed to diagnose K.D. with optic nerve head drusen and failed to provide him with a copy of K.D.'s medical records.

On or about May 23, 2011, K.D. was initially examined by you, at which time you noted K.D. had "no particular vision problems." You further noted that K.D.'s 6 meter vision and 40 cm vision were "ok," and that K.D. has no significant eye history (PEH – negative), takes Motrin, and has allergies and takes Zyrtek. In addition, you noted a very mild hyperopic astigmatism and sub-epithelial corneal changes in her right eye. You did not perform any visual field testing during this examination. Spectacles were prescribed.

On or about January 25, 2012, you examined K.D., whose chief complaint was an eye injury as the result of being hit by a rock in October 2011. This examination was consistent with the first, indicating the same hyperopic astigmatism and sub-epithelial corneal changes in her right eye. You did not perform any visual field testing during this examination. Spectacles were again prescribed.

On or about February 4, 2013, K.D. was examined by you again; exam findings were unremarkable; however, on the review of systems history form, you indicated, signed, and dated that K.D. had a "syncopal episode" during the examination. You did not perform any visual field testing during this examination.

On or about August 2, 2013, K.D. presented to an optometrist at BMG with symptoms of visual disturbance – K.D. was seeing gray horizontal lines and experiencing headaches of variable intensity. BMG conducted a comprehensive eye examination on K.D., and had her complete additional threshold field testing and optic nerve head OCT scans. An ophthalmologist at BMG diagnosed K.D. with optic nerve head drusen in both eyes.

On or about September 23, 2013 and September 27, 2013, K.D.'s father sent your office a written request for his daughter's medical file. However, your office did not mail K.D.'s medical records until November 11, 2013. In your response to the Board, you stated that "[a]n internal review on [your] part revealed [you] did not meet [K.D.'s father's] request in a timely manner."

After review, a Board expert opined that you "failed to meet the standard of care for a comprehensive eye exam" by not performing visual field testing during each eye examination mentioned above.

<sup>1</sup>The Board has previously notified you as to the identity of the Patient. Patient's full name will be made available to you upon request.

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It is the Board's finding that you violated BPC §3110(c) for your failure to perform appropriate visual field testing screening during each of K.D.'s three exams.

In addition, it is the Board's finding that you violated BPC §3110(x) for your failure to comply with the written request for the clinical records of a patient within 15 days of receiving the request and authorization.

Further, it is the Board's finding that you violated BPC §3110(a) by violating the above listed statutes.

Orders

(1) Order of Abatement:

The Board orders you to:

Comply with all statutes and regulations governing the practice of Optometry in the future.

(2) Order to Pay an Administrative Fine:

You must pay an administrative penalty (fine) in the amount of \$4,500.00; within thirty (30) days from the date of this citation but no later than October 29, 2014. This penalty constitutes Class "C" violations in the amount of \$2,500 for violation of BPC §3110(c); \$1,000 for violation of BPC §3110(x); and \$1,000 for violation of BPC §3110(a). The total fine amount is \$4,500.00.

Payment of the administrative penalty must be submitted to the Board of Optometry, 2450 Del Paso Road, Suite 105, Sacramento, CA 95834. Note your citation number on the check or money order and complete the enclosed Acknowledgment of Receipt of Citation/Payment of Fine with your payment.

You may contest this citation or any portion thereof, by requesting an Informal Citation Conference, a formal Administrative Hearing, or both. If you request an Informal Citation Conference and a formal Administrative Hearing, and an Informal Citation Conference is held, your request for an Administrative Hearing shall be deemed to be withdrawn. Following the conclusion of the Informal Citation Conference, the Executive Officer shall either, affirm, modify or dismiss the citation. If the citation is affirmed or modified, you will have the opportunity to contest it by filing a request for a formal hearing pursuant to the Administrative Procedure Act (Government Code, Chapter 5, Title 2, Division 3, Part 1, commencing with §11500).

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Your request for an Informal Citation Conference and/or Administrative Hearing must be in writing and submitted to the Board within thirty (30) calendar days after service of the citation. Please refer to the enclosed Instructions to Cited Person for additional appeal information.


You may withdraw a Request for Informal Citation Conference at any time prior to the date of the conference. You may withdraw a Request for Administrative Hearing any time prior to the date of the hearing.

Failure to request an Informal Citation Conference or Administrative Hearing in a timely manner will waive your right to contest this citation.

Pursuant to Business and Professions Code §125.9, if you do not request a formal Administrative Hearing, payment of the fine does not constitute an admission of the violation(s) alleged.

If the fine is not paid or the citation is not contested within the allotted time frame, your license will not be renewed until the fine is paid.

DATED: September 29, 2014

  
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MONA MAGGIO  
Executive Officer  
State Board of Optometry  
Department of Consumer Affairs  
State of California  
Complainant